

107TH CONGRESS  
1ST SESSION

# S. 1297

To require comprehensive health insurance coverage for childhood immunization.

---

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2001

Mr. DURBIN (for himself and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

## A BILL

To require comprehensive health insurance coverage for childhood immunization.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Comprehensive Insur-  
5       ance Coverage of Childhood Immunization Act of 2001”.

6       **SEC. 2. AMENDMENTS TO THE EMPLOYEE RETIREMENT IN-**  
7       **COME SECURITY ACT OF 1974.**

8       (a) IN GENERAL.—Subpart B of part 7 of subtitle  
9       B of title I of the Employee Retirement Income Security

1 Act of 1974 (29 U.S.C. 1185 et seq.) is amended by add-  
 2 ing at the end the following:

3 **“SEC. 714. STANDARD RELATING TO COVERAGE OF CHILD-**  
 4 **HOOD IMMUNIZATION.**

5 “(a) IN GENERAL.—A group health plan, and a  
 6 health insurance issuer offering health insurance coverage  
 7 in connection with a group health plan, shall provide for  
 8 each plan year comprehensive coverage for routine immu-  
 9 nizations for each individual who is a dependent of a par-  
 10 ticipant or beneficiary under the plan and is under 19  
 11 years of age.

12 “(b) COMPREHENSIVE COVERAGE.—For purposes of  
 13 this section, comprehensive coverage for routine immuni-  
 14 zations for a plan year consists of coverage, without  
 15 deductibles, coinsurance, or other cost-sharing, for immu-  
 16 nizations (including the vaccine itself) in accordance with  
 17 the most recent version of the Recommended Childhood  
 18 Immunization Schedule issued prior to such plan year by  
 19 the Advisory Committee on Immunization Practices of the  
 20 Centers for Disease Control and Prevention.”.

21 (b) CONFORMING AMENDMENT.—The table of con-  
 22 tents in section 1 of such Act is amended by inserting  
 23 after the item relating to section 713 the following new  
 24 item:

“Sec. 714. Standard relating to coverage of childhood immunization.”.

1 **SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE**  
 2 **ACT.**

3 (a) GROUP MARKET.—Subpart 2 of part A of title  
 4 XXVII of the Public Health Service Act (42 U.S.C.  
 5 300gg–4 et seq.) is amended by adding at the end the  
 6 following new section:

7 **“SEC. 2707. STANDARD RELATING TO COVERAGE OF CHILD-**  
 8 **HOOD IMMUNIZATION.**

9 “(a) IN GENERAL.—A group health plan, and a  
 10 health insurance issuer offering health insurance coverage  
 11 in connection with a group health plan, shall provide for  
 12 each plan year comprehensive coverage for routine immu-  
 13 nizations for each individual who is a dependent of a par-  
 14 ticipant or beneficiary under the plan and is under 19  
 15 years of age.

16 “(b) COMPREHENSIVE COVERAGE.—For purposes of  
 17 this section, comprehensive coverage for routine immuni-  
 18 zations for a plan year consists of coverage, without  
 19 deductibles, coinsurance, or other cost-sharing, for immu-  
 20 nizations (including the vaccine itself) in accordance with  
 21 the most recent version of the Recommended Childhood  
 22 Immunization Schedule issued prior to such plan year by  
 23 the Advisory Committee on Immunization Practices of the  
 24 Centers for Disease Control and Prevention.”.

25 (b) INDIVIDUAL MARKET.—The first subpart 3 of  
 26 part B of title XXVII of the Public Health Service Act

1 (42 U.S.C. 300gg–51 et seq.) (relating to other require-  
 2 ments) (42 U.S.C. 300gg–51 et seq.) is amended—

3 (1) by redesignating such subpart as subpart 2;

4 and

5 (2) by adding at the end the following:

6 **“SEC. 2753. STANDARD RELATING TO COVERAGE OF CHILD-**  
 7 **HOOD IMMUNIZATION.**

8 “The provisions of section 2707 shall apply to health  
 9 insurance coverage offered by a health insurance issuer  
 10 in the individual market in the same manner as they apply  
 11 to health insurance coverage offered by a health insurance  
 12 issuer in connection with a group health plan in the small  
 13 or large group market.”.

14 **SEC. 4. AMENDMENTS TO THE INTERNAL REVENUE CODE**  
 15 **OF 1986.**

16 Subchapter B of chapter 100 of the Internal Revenue  
 17 Code of 1986 is further amended—

18 (1) in the table of sections, by inserting after  
 19 the item relating to section 9812 the following new  
 20 item:

“Sec. 9813. Standard relating to coverage of childhood immuni-  
 zation.”;

21 and

22 (2) by inserting after section 9812 the fol-  
 23 lowing:

1 **“SEC. 9813. STANDARD RELATING TO COVERAGE OF CHILD-**  
2 **HOOD IMMUNIZATION.**

3 “(a) IN GENERAL.—A group health plan shall pro-  
4 vide for each plan year comprehensive coverage for routine  
5 immunizations for each individual who is a dependent of  
6 a participant or beneficiary under the plan and is under  
7 19 years of age.

8 “(b) COMPREHENSIVE COVERAGE.—For purposes of  
9 this section, comprehensive coverage for routine immuni-  
10 zations for a plan year consists of coverage, without  
11 deductibles, coinsurance, or other cost-sharing, for immu-  
12 nizations (including the vaccine itself) in accordance with  
13 the most recent version of the Recommended Childhood  
14 Immunization Schedule issued prior to such plan year by  
15 the Advisory Committee on Immunization Practices of the  
16 Centers for Disease Control and Prevention.”.

17 **SEC. 5. EFFECTIVE DATES.**

18 (a) GROUP HEALTH INSURANCE COVERAGE.—Sub-  
19 ject to subsection (c), the amendments made by sections  
20 2, 3(a), and 4 apply with respect to group health plans  
21 for plan years beginning on or after January 1, 2002.

22 (b) INDIVIDUAL HEALTH INSURANCE COVERAGE.—  
23 The amendment made by section 3(b) applies with respect  
24 to health insurance coverage offered, sold, issued, re-  
25 newed, in effect, or operated in the individual market on  
26 or after such date.

1       (c) COLLECTIVE BARGAINING EXCEPTION.—In the  
2 case of a group health plan maintained pursuant to 1 or  
3 more collective bargaining agreements between employee  
4 representatives and 1 or more employers ratified before  
5 the date of enactment of this Act, the amendments made  
6 sections 2, 3(a), and 4 shall not apply to plan years begin-  
7 ning before the later of—

8           (1) the earliest date as of which all such collec-  
9 tive bargaining agreements relating to the plan have  
10 terminated (determined without regard to any exten-  
11 sion thereof agreed to after the date of the enact-  
12 ment of this Act), or

13           (2) January 1, 2002.

14 For purposes of paragraph (1), any plan amendment made  
15 pursuant to a collective bargaining agreement relating to  
16 the plan which amends the plan solely to conform to any  
17 requirement added by sections 2, 3(a), and 4 shall not be  
18 treated as a termination of such collective bargaining  
19 agreement.

○